



University Name	:	HASANUDDIN UNIVERSITY
Faculty Name	:	FACULTY OF LAW
Department Name	:	CRIMINAL LAW
Study Program Name	:	UNDERGRADUATE LEGAL STUDIES

### SEMESTER LEARNING PROGRAM (SLP)

COURSE	COURSE CODE	CSU	Status	DEPARTMENT	SM
CRIMINAL LAW	106B1224	4	COMPULSORY (NATIONAL)	CRIMINAL LAW	II
AUTHORIZATION	LECTURE		Vice Dean of Academic and Development		
	Signature		Signature		
	Prof. Dr. H.M. Said Karim, S.H.,M.H.,M.Si.,CLA		Prof. Dr. Ahmadi Miru, SH, MH		

### Expected Learning Outcomes (ELOs)

A.1.	Having integrity and legal professional ethics based on values of Pancasila
G.1.	Ability to think critically, logically and systematically
G.2.	Ability to perform oral and written communication
G.3.	Ability to work individually and collectively
K.2.	Demonstrates a basic understanding of basic laws
K.4.	Demonstrates a mastery of substantive laws (criminal law, civil law, international law, administrative law, constitutional law)

### LEARNING GOAL

After studying this course, students have the integrity and ethics of the legal profession, so as to be able to think critically, logically, systematically and able to communicate orally and in writing, able to work individually and collectively about the theoretical concepts of basic criminal law.

### SHORT DESCRIPTION OF THE COURSE

**This course examines the basic understanding of material criminal law, the scope of legal principles, criminal acts and criminalization, construction in criminal law (attempt, inclusion, assistance, concurrent, and repetition of criminal acts) as well as an understanding of the loss of the right to prosecute and conduct crime so that by mastering this course students can master the concept of material criminal law and be able to provide advice and solve criminal law problems.**

**Literature:**

- 1 Andi Hamzah, 2004, *Asas-Asas Hukum Pidana*, Rineka Cipta, Jakarta,
- 2 Andi Zainal Abidin Farid, 2007, *Hukum Pidana Bagian Pertama*, Sinar Grafika, Jakarta
- Andi Zainal Abidin Farid dan Andi Hamzah, 2008, *Bentuk-Bentuk Khusus Perwujudan Delik (Percobaan, Pernyataan Dan Gabungan Delik)* Da
- 3 *Grafindo Persada, Jakarta*
- 4 Adami Chazawi, 2002, *Pelajaran Hukum Pidana Bagian 1*, Rajawali Pers, Jakarta
- 5 Leden Marpaung, 2012, *Asas – Teori – Praktek Hukum Pidana*, Sinar Grafika, Jakarta
- 6 Moeljatno, 2008, *Asas-Asas Hukum Pidana*, Rineka Cipta, Jakarta
- 7 Muladi, 1985, *Lembaga Pidana Bersyarat*, Alumni, Bandung
- 8 P.A.F. Lamintang, 1997, *Dasar-Dasar Hukum Pidana Indonesia*, PT. Citra Aditya Bakti, Bandung
- 9 R. Soesilo, 1984, *Pokok-Pokok Hukum Pidana Peraturan Khusus*, Politeia, Bogor
- 10 Schafmeister, D.N. Keijzer dan E.P.H Sitorus, *Hukum Pidana*, Liberty, Yogyakarta
- 11 S.R. Sianturi, 1989. *Asas-Asas Hukum Pidana Dan Penerapannya Di Indonesia*, Alumni AHM PTHM, Jakarta
- 12 Wirjono Prodjodikoro, 2003, *Asas-Asas Hukum Pidana Di Indonesia*, Refika Aditama, Jakarta
- 13 Dan lain-lain.

NUM	Meetings-	Expected Final Ability / Learning Goal	Learning Material	Learning Methods	Indicator/Assesment Criteria	Percentage (%)
1	2	3	4	5	6	7
1	1 (Meeting 1 & 2)	Ability to describe and analyze the definition of Criminal Law, <b>division</b> , nature, source, and history of Criminal Law, as well to learn other supporting fields of Criminal Law in the settlement of cases	Introduction to Criminal Law <ul style="list-style-type: none"> <li>Definition of Criminal Law</li> <li><b>Division</b> of Criminal Law</li> <li>Nature of Criminal Law</li> <li>Sources of Criminal Law</li> <li>History of Criminal</li> </ul>	<ul style="list-style-type: none"> <li>Interactive Lecture</li> <li>Discussion</li> <li>Individual Assignment : Literature Search</li> </ul>	<ul style="list-style-type: none"> <li>Accuracy in explaining Criminal law substance</li> <li>Ability in analysis and legal argumentation</li> <li>Number of Literature Search</li> <li>Accuracy in Finishing Assignment</li> </ul>	5

			Law <ul style="list-style-type: none"> <li>Supporting fields of Criminal Law</li> </ul>			
2	2 (Meeting 3 & 4)	Ability to formulate the definition of the principle of legality as a guide to achieve the purpose of legal certainty in criminal law	Principle of Legality <ul style="list-style-type: none"> <li>History and the Philosophy Foundation of the Principle of Legality</li> <li>Definition of the Principle of Legality</li> <li>Principle of Legality in Indonesia Criminal Law</li> <li>Regulation of the Principle of Legality in some Countries</li> </ul>	<ul style="list-style-type: none"> <li>Interactive Lecture</li> <li>Discussion</li> <li>Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>Accuracy in finishing assignment</li> <li>Ability in analysis and legal argumentation</li> </ul>	5

1	2	3	4	5	6	7
3	3 (Meeting 5 & 6)	Ability to describe and analyze when, where, and in which case Indonesian criminal law can be applied	Applicability of Criminal Law <ul style="list-style-type: none"> <li>Applicability of Criminal Law by Time (<i>Tempus delicti</i>)</li> <li>Applicability of Criminal Law by Location (<i>Locus delicti</i>)</li> <li>Teori Locus delicti</li> </ul>	<ul style="list-style-type: none"> <li>Interactive Lecture</li> <li>Group Discussion</li> <li>Group Assignment</li> </ul>	<ul style="list-style-type: none"> <li>Accuracy in finishing assignment</li> <li>Ability in analysis and legal argumentation</li> <li>Ability of Teamwork</li> </ul>	5
4	4	Ability to determine	Causality	<ul style="list-style-type: none"> <li>Interactive Lecture</li> </ul>	<ul style="list-style-type: none"> <li>Accuracy in finishing</li> </ul>	5

	(Meeting 7 & 8)	criminal liability for actions that cause consequences through theories of causality	<ul style="list-style-type: none"> <li>• Definition of Causality</li> <li>• Offense that require the teachings of Causality</li> <li>• Theory of Causality</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion</li> <li>• Individual Assignment</li> </ul>	assignment <ul style="list-style-type: none"> <li>• Ability in analysis and legal argumentation</li> </ul>	
1	2	3	4	5	6	7
5	5 (Meeting 9 & 10)	Ability to integrate the interpretive methods in searching the meaning of terms or elements of offense	Interpretation in Criminal Law <ul style="list-style-type: none"> <li>• Importance of Interpretation in Criminal Law</li> <li>• Interpretation Methods in Criminal Law</li> <li>• Interpretation according to Doctrines/Criminal Law</li> <li>• Analogy Interpretation</li> <li>• Analogical Interpretation in Contrary to the Principle of Legal Certainty (Legality Principle)</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> </ul>	5
6	6 (Meeting 11 & 12)	Ability to Describe criminal substance, purpose of punishment, criminal types and principle of criminal imposition	(Straf) <ul style="list-style-type: none"> <li>• Pengertian Pidana dan Pemidanaan</li> <li>• Teori Tujuan Pemidanaan</li> <li>• Jenis-Jenis Pidana</li> <li>• Prinsip Penjatuhan Pidana</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> </ul>	5
7	7 (Meeting 13 & 14)	Ability to identify the elements and requirements to criminalize an act and be	Criminal Act (Strafbaarfeit) <ul style="list-style-type: none"> <li>• Terminology</li> <li>• Definition of Criminal Act</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and</li> </ul>	7,5

		able to differentiate the types of offense to ease the understanding the essence of offense in its relation to criminal law enforcement	<ul style="list-style-type: none"> <li>• Elements of Criminal Act</li> <li>• Flow of Monism and Dualism About the Elements of Criminal Acts (Offense)</li> <li>• Types of Criminal Act</li> <li>• Technique of Offense formulation in Act/Law</li> </ul>	<ul style="list-style-type: none"> <li>• Individual Assignment</li> </ul>	<p>legal argumentation</p> <ul style="list-style-type: none"> <li>• Ability of Teamwork</li> </ul>	
8	8 (Meeting15)		MID TEST			5
9	8-9 (Meeting 16 & 17)	Ability to understand, analyze the elements of actus reus (unlawful act) in any criminal action	<p>Elements of Action</p> <ul style="list-style-type: none"> <li>• Objective elements</li> <li>• Active / Passive Action</li> </ul> <p>Elements of Against the Law (Wederrechtelijkheid)</p> <ul style="list-style-type: none"> <li>• Definition</li> <li>• Formulation of Against the Law in Offense (firm/silent)</li> <li>• Against Formal and Material Law</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> </ul>	7,5
10	9-10 (Meeting 18 & 19)	Ability to understand, analyze, and distinguish the elements of mens rea (intentionally and negligently) in criminal law as an element of criminal liability	<p>Responsibility</p> <ul style="list-style-type: none"> <li>• Definition</li> <li>• Requirements</li> </ul> <p>Error/Fault (Schuld)</p> <p>Intentionality (Dolus)</p> <ul style="list-style-type: none"> <li>• Definition</li> <li>• Theory of Intentionality</li> <li>• Gradation of Intentionality</li> <li>• Intentionality Formula In</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> </ul>	7,5

			<p>Offense Negligent(Culpa)</p> <ul style="list-style-type: none"> <li>• Definition</li> <li>• Type</li> <li>• Difference between Culpa lata and Culpa levis, consciously Culpa lata and unconsciously Culpa, dolus offense dan culpa offense, Dolus eventualis and culpa lata</li> </ul>			
11	10-11 (Meeting 20 & 21)	Ability to describe, identify and distinguish reasons for the abolition, reduction and addition of criminal which may be taken into consideration in the judge's decision	<p>Reason for Abolition of Crime</p> <ul style="list-style-type: none"> <li>• Definition and the Type of Reason for Abolition of Crime</li> <li>• Theory of Reason for Abolition of Crime</li> <li>• Pardoning Reason (art. 44, 48, 49 line 2, 51 line 2)</li> <li>• Justifying Reason (art. 49 line 1, 50, 51 line 1)</li> </ul> <p>Reason of Crime Reduction</p> <ul style="list-style-type: none"> <li>• Underage (Law 11/2012)</li> <li>• Attempt (act. 53)</li> <li>• Assistance (act. 56)</li> </ul> <p>Reason of Crime Addition</p> <ul style="list-style-type: none"> <li>• Civil servants break the obligation of his position (art. 52)</li> <li>• Use of the National Flag at the time of committing a crime</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment : Literature Search</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analyzing judge verdict and legal argumentation</li> </ul>	5

			(art.52 a) <ul style="list-style-type: none"> <li>• Residive</li> <li>• <i>Concursus</i></li> </ul>			
12	11-12 (Meeting & 23)	Ability to analyze the element of attempt, the forms of attempt, punishment and ability to apply it in criminal case	Attempt ( <i>Poging</i> ) <ul style="list-style-type: none"> <li>• Definition</li> <li>• Basis of Criminalization Attempt</li> <li>• Elements of Attempt</li> <li>• Capable and Incapable Attempt</li> <li>• Criminalization on Attempt</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Group Discussion</li> <li>• Case Study</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> <li>• Ability of Teamwork</li> </ul>	5
13	12-13 (Meeting 24 & 25)	Ability to analyze and distinguish any form of inclusion and assistance and integrate it in a criminal case	Inclusion ( <i>Deelneming</i> ) <ul style="list-style-type: none"> <li>• Definition</li> <li>• The importance of inclusion teaching in Criminal Law</li> <li>• Forms of Inclusion(<i>pleger, Doenpleger, medepleger, uitlokker</i>)</li> </ul> Assistance ( <i>Medeplichtige</i> ) <ul style="list-style-type: none"> <li>• Definition</li> <li>• Requirements of Assistance</li> <li>• Forms of Assistance</li> <li>• Liability in Crime Assistance</li> </ul> <ul style="list-style-type: none"> <li>▪ Difference of assistance with other forms of inclusion</li> </ul> Multiple Constructions On Inclusion	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Group Discussion</li> <li>• Role Play</li> <li>• Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> <li>• Ability of Teamwork</li> </ul>	7,5
14	13-14	Ability to describe, analyze and distinguish	Concurrent in Criminal Act ( <i>Concursus</i> )	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> </ul>	7,5

	(Meeting 26 & 27)	any forms of concursus and are able to apply it in criminal cases	<ul style="list-style-type: none"> <li>• Definition</li> <li>• Basic Calculation of Concurrent</li> <li>• Concurrent of Criminal Acts in the Criminal Code and Draft of the Criminal Code</li> <li>• Forms of Concurrent in Criminal Act (Idealist Concursus, Continuing Action, and Realist Concursus)</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion</li> <li>• Individual Assignment</li> <li>• Case study</li> </ul>	<ul style="list-style-type: none"> <li>• Ability in analysis and legal argumentation</li> <li>• Ability to calculate punishment system</li> </ul>	
15	14-15 (Meeting 28 & 29)	Ability to describe the definition, requirements of residue and able to distinguish between residue with concursus so it can be constructed in criminal cases	Repetition of Criminal Act (Residue) <ul style="list-style-type: none"> <li>• Definition</li> <li>• Types of Residue</li> <li>• Requirements of Residue</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment</li> <li>• Case study</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analyzing cases and legal argumentation</li> </ul>	5
16	15-16 (Meeting 30 & 31)	Ability to describe and identify the reasons for the loss of the right to prosecute and conduct the crime and able to apply it in criminal case	The Loss of Right to Prosecute and the Loss of Punishment <ul style="list-style-type: none"> <li>• The Loss of Right to Prosecute (Ne bis in idem, death, expiration, payment of a fine of peace)</li> <li>• The Loss of Punishment (death and expiration)</li> </ul>	<ul style="list-style-type: none"> <li>• Interactive Lecture</li> <li>• Discussion</li> <li>• Individual Assignment</li> </ul>	<ul style="list-style-type: none"> <li>• Accuracy in finishing assignment</li> <li>• Ability in analysis and legal argumentation</li> </ul>	5
	16 (Meeting 32)		FINAL TEST			7,5



Makassar, Desember 2017

PJMK,

**Prof. Dr. H. M. Said Karim, S.H.,M.H.,M.Si.,CLA**